

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING NATIONAL PHASE OF  
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

To: Hon. Commissioner of Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty Dkt: P 0280624 /1998-30-0526WO  
M# /Client Ref.

From: Pillsbury Winthrop LLP, IP Group:

Date: May 23, 2001

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

- |   |   |   |
|---|---|---|
| 1. International Application<br><u>PCT/US99/27654</u><br>↑ country code | 2. International Filing Date<br><u>23 November 1999</u><br>Day MONTH Year | 3. Earliest Priority Date Claimed<br><u>23 November 1998</u><br>Day MONTH Year<br>(use item 2 if no earlier priority) |
|---|---|---|
4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a) ☐ 20 months from above item 3 date (b) ☒ 30 months from above item 3 date,

(c) Therefore, the due date (unextendable) is May 23, 2001

Title of Invention TUMOR ANTIGEN-SPECIFIC ANTIBODY-GP39 CHIMERIC PROTEIN CONSTRUCTS

Inventor(s) Marco A. Coccia

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

☒ Please immediately start national examination procedures (35 U.S.C. 371 (f)).

☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file in in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:

- a. ☒ Request;  
b. ☒ Abstract;  
c. 31 pgs. Spec. and Claims;  
d. 2 sheet(s) Drawing which are ☐ informal ☒ formal of size ☒ A4 ☐ 11"

9. ☒ A copy of the International Application has been transmitted by the International Bureau.

10. A translation of the International Application into English (35 U.S.C. 371(c)(2))

- a. ☐ is transmitted herewith including: (1) ☐ Request; (2) ☐ Abstract;  
(3) \_\_\_\_\_ pgs. Spec. and Claims;  
(4) \_\_\_\_\_ sheet(s) Drawing which are:  
☐ informal ☐ formal of size ☐ A4 ☐ 11"
- b. ☒ is not required, as the application was filed in English.  
c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.  
d. ☐ Translation verification attached (not required now).

11. ☒ PLEASE AMEND the specification before its first line by inserting as a separate paragraph:

- a. ☒ --This application is the national phase of international application PCT/US99/27654 filed November 23, 1999 which designated the U.S. and that international application ☒ was ☐ was not published under PCT Article 21(2) in English.--  
b. ☒ --This application also claims the benefit of U.S. Provisional Application No. 60/ 109,607, filed November 23, 1998 .--

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12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file only if in English) including:
13. ☒ PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).
15. **A declaration of the inventor** (35 U.S.C. 371(c)(4))  
a. ☐ is submitted herewith ☐ Original ☐ Facsimile/Copy  
b. ☒ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**  
a. Was prepared by ☐ European Patent Office ☐ Japanese Patent Office ☒ Other  
b. ☒ has been transmitted by the international Bureau to PTO.  
c. ☒ copy herewith (2 pg(s).) ☐ plus Annex of family members (     pg(s).).
17. **International Preliminary Examination Report (IPER):**  
a. ☒ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.  
b. ☒ copy herewith in English.  
c.1 ☐ IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:  
c.2 ☐ Specification/claim pages #      claims #       
Dwg Sheets #       
d. ☐ Translation of Annex(es) to IPER (required by 30<sup>th</sup> month due date, or else annexed amendments will be considered canceled).
18. **Information Disclosure Statement** including:  
a. ☐ Attached Form PTO-1449 listing documents  
b. ☐ Attached copies of documents listed on Form PTO-1449  
c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☐ **Assignment** document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ **Drawings** (complete only if 8d or 10a(4) not completed):      sheet(s) per set: ☐ 1 set informal;  
☐ Formal of size ☐ A4 ☐ 11"
22. Small Entity Status ☐ is **Not** claimed ☐ is claimed (pre-filing confirmation required)  
22(a)      (No.) Small Entity Statement(s) enclosed (since 9/8/00 Small Entity Statements(s) not essential to make claim)
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) United States of:
- |     | <u>Application No.</u>      | <u>Filing Date</u>          |     | <u>Application No.</u>      | <u>Filing Date</u>          |
|-----|-----------------------------|-----------------------------|-----|-----------------------------|-----------------------------|
| (1) | <u>60/109,607</u>           | <u>23 November 1998</u>     | (2) | <u>                    </u> | <u>                    </u> |
| (3) | <u>                    </u> | <u>                    </u> | (4) | <u>                    </u> | <u>                    </u> |
| (5) | <u>                    </u> | <u>                    </u> | (6) | <u>                    </u> | <u>                    </u> |
- a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.  
b. ☒ Copy of Form PCT/IB/304 attached.
24. Attached:

RE: USA National Filing of PCT/US99/27654

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## 25. Preliminary Amendment:

25.5 Per Item 17.c2, cancel original pages #\_\_\_\_, claims #\_\_\_\_, Drawing Sheets #26. Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:Based on amended claim(s) per above item(s) ☐ 12, ☐ 14, ☐ 17, ☐ 25, ☐ 25.5 (hilitte)

Total Effective Claims	26	minus 20 =	6	x \$18/\$9	=	\$108	966/967
Independent Claims	2	minus 3 =	0	x \$80/\$40	=	\$0	964/965
If any proper (ignore improper) Multiple Dependent claim is present,				add \$270/\$135	+	0	968/969

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)): → → BASIC FEE REQUIRED, NOW → → → →

A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN" or "ZA"

See item 16 re:

1. Search Report was <u>not</u> prepared by EPO or JPO -----	add \$1000/\$500		960/961
2. Search Report was prepared by EPO or JPO -----	add \$860/\$430	+0	970/971

SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL", "NZ", "IN" or "ZA"

→ <input type="checkbox"/> B. If <u>USPTO</u> did not issue <u>both</u> International Search Report (ISR) <u>and</u> (if box 4(b) above is X'd) the International Examination Report (IPER), -----	add \$1000/\$500	+0	960/961
→ <input type="checkbox"/> C. If <u>USPTO</u> issued ISR but not IPER (or box 4(a) above is X'd), -----	add \$710/\$355	+0	958/959
→ <input checked="" type="checkbox"/> D. If <u>USPTO</u> issued IPER but IPER Sec. V boxes <u>not all</u> 3 YES, -----	add \$690/\$345	+690	956/957
→ <input type="checkbox"/> E. If international preliminary examination fee was paid to <u>USPTO</u> and Rules 492(a)(4) and 496(b) <u>satisfied</u> (IPER Sec. V <u>all</u> 3 boxes YES for <u>all</u> claims), -----	add \$100/\$50	+0	962/963

SUBTOTAL = \$798

28. If Assignment box 19 above is X'd, add Assignment Recording fee of ----\$40 +0 (581)

29. Attached is a check to cover the ----- TOTAL FEES \$798

Our Deposit Account No. 03-3975

Our Order No. 037003

0280624

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**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed

**Pillsbury Winthrop LLP**  
**Intellectual Property Group**

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 Ninth Floor  
 Washington, DC 20005-3918  
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 Atty/Sec: RLT/kmh

By Atty: Robin L. TeskinReg. No. 35,030Sig: *Rob L. Teskin*

Fax: (202) 822-0944  
 Tel: (202) 861-3623

NOTE: File in duplicate with 2 postcard receipts (PAT-103) & attachments.

9. (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
 in U.S. Application No. \_\_\_\_\_ filed on \_\_\_\_\_
10. Small Entity Status ☐ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☐ Preliminary Amendment:

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee Code
13. Basic Filing Fee . . . . . Design Application				\$320/\$160		106/26
Not Design Application				\$710/\$355	+	101/201
14. Total Effective Claims		minus 20 =		x \$18/\$9	+0	103/203
15. Independent Claims		minus 3 =		x \$80/\$40	+0	102/202
16. If any proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$270/\$135	+0	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205
18. FILING FEE ENCLOSED =				\$130		
19. Original due date: August 3, 2001						
20. Petition is hereby made to extend the original due date to				(1 mo)	\$110/\$55 =	+110
cover the date this response is filed for which the requisite fee				(2mos)	\$390/\$195 =	115/215
is attached				(3mos)	\$890/\$445 =	116/216
				(4mos)	\$1390/\$695 =	117/217
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+0	118/218
22. If "assignment" box 5 is X'd, add recording fee. . . . .				\$40	+40	139
23. Petition Fee for				\$130	+0	581
24. TOTAL FEE ENCLOSED =				\$280		

Our Deposit Account No. 03-3975  
 Our Order No. 037003

C#

0280624

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

09/06/2001 LLANDGRA 00000069 09856534

01 FC:154  
 02 FC:115

130.00 OP  
 110.00 OP

Pillsbury Winthrop LLP  
 Intellectual Property Group

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**NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments**